

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9672 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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UNJHA AGRICULTURAL PRODUCE MARKET COMMITTEE

Versus

STATE OF GUJARAT

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Appearance:

MR S K Jhaveri with Mr K S JHAVERI for Petitioners  
Mr M R Anand, Government Pleader with Ms.Harsha  
Devani for Respondent No. 1  
MR PK JANI for Respondent No. 3

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 02/09/96

ORAL JUDGEMENT

The petitioner-Unjha Agricultural Produce Market Committee refused to renew licence of respondent No.3. Respondent No.3 preferred appeal against the said order to the Director, Agricultural Marketing and Rural Finance, Gandhinagar. The resolution of the petitioner-Market Committee was set aside on the ground

that the licensee was not given opportunity before refusing the renewal. Against the order of the Director, the petitioner-Market Committee preferred Revision to the State Government which was also rejected.

2. This Special Civil Application has been preferred challenging the order of the Director and the State Government. Mr P K Jani, learned Advocate appearing for respondent No.3 submits that during the pendency of the Revision Application before the State Government, the petitioner-Market Committee heard the licensee in pursuance of the order of the Director and passed fresh order refusing the renewal. It is submitted that in view of this fact, this Special Civil Application has become infructuous, inasmuch as that the order of the Director has been exhaustive. It is contended by Mr S K Jhaveri, learned Advocate for the petitioner that the controversy be settled as the Agricultural Produce Market Committee often face question of giving notice at the time of refusing licence or at the time of renewal.

3. I am not inclined to enter into this academic question. However, it is clarified that the orders of the Director and the State Government holding that a notice is required to be given before refusing to renew the licence will not be taken as precedent. With the aforesaid observation, without entering into the merit of the case, this Special Civil Application is rejected as having become infructuous. Notice discharged.

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